REMARKS

I. Introduction/Summary

- Claims **49 – 68 and 70** are currently pending and all stand rejected under 35 U.S.C. §102(e);
- Of the pending claims, only claims **49, 59 and 70** are independent;

II. Claim Rejections – 35 USC §102(e)

Claims **49, 50, 53, 54, 57,59, 60, 63, 64 and 67** stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent Publication No. 2002/0116615 to Nguyen et al. ("Nguyen" herein). Applicants respectfully traverse this rejection for the reasons set forth below.

Applicants respectfully submit that Nguyen fails to teach or suggest the following limitations of the claims as follows:

With respect to independent claim **49, 59 and 70** as amended herein (and thus all claims dependent therefrom and including the same limitations):

- *prior to allowing play of the game with the particular feature enabled, determining whether an authorization code for enabling play of the game with the particular feature enabled has been received from a regulatory authority; and*
- *only if the expiration condition [associated with an authorization code received from a regulatory authority] has not yet been met, allowing play of the game on the particular gaming device with the particular feature enabled, otherwise outputting a message indicating that the game is currently only available for play without the particular feature enabled*

Nguyen is directed to particular methods for facilitating and verifying the downloading or *transfer* of software between two gaming devices, such as between a game server and a gaming machine. Abstract. As noted by the Office, Nguyen describes

that in some embodiments such software may comprise a bonus game playable in conjunction with a game of chance. Paragraph 0114. It is noteworthy to Applicants that Nguyen does not address verifying or determining whether a game as requested for play is to be allowed for play, but is rather directed to the authorization of transfer of a game.

After reviewing the entirety of Nguyen and the passages noted by the Office in particular, Applicants have been unable to locate any passage which describes or suggests *prior to allowing play of the game with the particular feature enabled, determining whether an authorization code for enabling play of the game with the particular feature enabled has been received from a regulatory authority; and only if the expiration condition [associated with an authorization code received from a regulatory authority] has not yet been met, allowing play of the game on the particular gaming device with the particular feature enabled, otherwise outputting a message indicating that the game is currently only available for play without the particular feature enabled.* The methods described by Nguyen are directed to authorizing the transfer of software to a gaming device and tracking the authorized transfers for auditing purposes. Nguyen simply does not address an authorization code for enabling play of the game with a particular feature enabled having been received from a regulatory authority, much less only allowing play of a game if such a code has been received and otherwise outputting a message indicating that the game is currently only available for play without the particular feature enabled. Even assuming, for the sake of argument, that authorizing the transfer of software from a first gaming device to another were equivalent to allowing play of a game on a gaming device (a fact which has not been established by the Office), Nguyen would still be lacking in that it does not teach or suggest *otherwise outputting a message indicating that the game is currently only available for play without the particular feature enabled* if a transfer authorization is not successful. For example, if it is determined that software is not authorized for transfer, it is simply not transferred (there is no description of allowing an alternate version of a game to be transferred, such as one without a particular feature).

Applicants further note that the particular passages relied upon by the Office for the latter limitation (paragraphs 23 and 36) are directed to the transfer of software and whether software should be allowed to be transferred to a gaming device, not a determination of whether a game should be allowed to be played as requested for play,

much less of whether a game should be allowed to be played with a particular feature enabled. The passages do not address any requests for play of a game once such software is successfully transferred to a gaming machine. And Nguyen is silent on the claimed concept of an authorization code for enabling play of a game with a particular feature enabled which, if not verified, results in the game being allowed for play but without the particular feature enabled (as is claimed). Applicants respectfully submit that the Office has not established a *prima facie* case of unpatentability because the limitations of the claims have not been shown to be taught by the reference.

For the above reasons, Applicants respectfully request that the rejection over Nguyen should be withdrawn.

III. Claim Rejections – 35 U.S.C. §103(a)

Claims **51, 52, 55, 56, 58, 61, 62, 65, 66 and 68** stand rejected under 35 U.S.C. §103(a) as being obvious over Jackson in view of U.S. Patent Publication No. 2002/0071557 ("Nguyen 557" herein). Applicants respectfully traverse this rejection. As Nguyen 557 does not cure the deficiencies of Nguyen, Applicants respectfully submit that claims **51, 52, 55, 56 and 58 (**each dependent from claim **49)** and claims **61, 62, 65, 66 and 68** (each dependent from claim **59)** are patentable at least for the same reasons as claims **49 and 59.**

IV. Additional Comments

Applicants silence with respect to the Office's other various assertions not explicitly addressed in this paper, including assertions of (1) what the cited reference(s) teach or suggest, (2) the Office's interpretation of claimed subject matter or the Specification and (3) assertions of what knowledge was generally known in the art at the time of invention, is not to be understood as agreement with the Office. Also, the absence of arguments for patentability other than those presented in this paper should not be construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

Conclusion

At least for the foregoing reasons, it is submitted that all claims are now in condition for allowance, or in better form for appeal, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham via the contact information provided below.

Authorization to Charge Fees

Applicants do not believe any extension of time is required to make this Amendment and Response timely. However, should an extension of time be due, please grant a petition for the appropriate extension of time necessary to make this submission timely. Additionally, please charge any fees required for this submission as follows:

Deposit Account: 50-0271

Order No. 02-034

Charge any additional fees or credit any overpayment to the same account.

Respectfully submitted,

January 17, 2012

Date

/Magdalena M. Fincham, 46,085/

Magdalena M. Fincham
Attorney for Applicants
Registration No. 46,085
mfincham@finchamdowns.com
(203) 438-6933/ voice
(203) 438-6991/fax